

ADVISORY REGARDING THE "PUBLIC CHARGE" RULE

The "Public Charge" Rule allows immigration officials to consider whether an individual receives certain public benefits when the individual applies to enter the US or for Lawful Permanent Resident status (a green card). The government is currently considering a change to that rule to expand the types of benefits that the government will consider. **** NOTE: The proposed public charge rule is not finalized and the current rule remains in effect.**

WHAT CHANGES ARE BEING PROPOSED?

The CURRENT RULE considers

- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Comparable state/local programs to above
- Long term care funded by the government

The PROPOSED RULE will also consider

- Medicaid (limited exceptions for Medicaid coverage of "emergency medical condition" and certain disability services related to education)
- Supplemental Nutrition Assistance Program (SNAP)
- Medicare Part D Low Income Subsidy
- Federal Public Housing and Section 8 housing vouchers and Project Based rental assistance

TO WHOM DOES THE RULE APPLY?

The proposed rule does NOT apply to:

- Green card holders applying for U.S. citizenship
- Certain "humanitarian" immigrants, such as refugees, asylees, applicants for a green card under the Violence Against Women Act, applicants for U or T visas, and children seeking Special Immigrant Juvenile status

Under the rule, the government only considers receipt of benefits by the person applying for status. The government does NOT consider receipt of benefits by a family member.

**** THIS INFORMATION IS NOT LEGAL ADVICE ****

Please email jliu@napawf.org if you have any questions.



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